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June 8, 2022

BY ECF

Honorable Thomas J. McAvoy
United States District Judge
United States Courthouse
15 Henry Street
Binghamton, New York 13901

Re: Little v. Soulia, Docket No. 9:19-CV-263 (TJM/TWD)

Your Honor:

On January 27, 2022, I was appointed as pro bono counsel for plaintiff Charles Little in the above-referenced action. An exhaustion hearing is presently scheduled for June 16, 2022 at 10 a.m. at the federal courthouse in Albany (ECF No. 89). I write with two requests regarding the exhaustion hearing.

First, since his release from state custody in April, plaintiff has been residing in New York City. To attend the exhaustion hearing, he intends to travel that morning by train from New York City to Albany, and is scheduled to arrive at the station in Albany at 9:50 a.m. There is no earlier train on that date. To provide Mr. Little with adequate time to get from the train station to the courthouse, I respectfully request that the start of the hearing be pushed back to 10:30 a.m. I have notified defendants' attorney of this request and she informed me that she has no objection.

Second, plaintiff intends a call as a witness Mr. Little's former attorney, Matthew Wasserman, who works in New York City. Mr. Wasserman's testimony will be limited and concerns his office's receipt of a copy of plaintiff's inmate grievance in May 2017. Out of convenience to this witness, and in light of his limited testimony, plaintiff respectfully requests that Mr. Wasserman be permitted to testify virtually.

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Accordingly, for these reasons, plaintiff respectfully requests that (1) the start of the exhaustion hearing be changed to 10:30 a.m. and (2) a non-party witness, Matthew Wasserman, be permitted to testify virtually.

Respectfully,

s/Steven L. Banks

Steven L. Banks (NDNY Bar No. 509512)

cc: Counsel of Record (by ECF)